

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

112

CR-7417-2019

DATE OF DECISION: 27.02.2020

RAJESH KAUSHAL

... Petitioner (s)

Versus

SURINDER SINGH AND ANR.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sunny K. Singla, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 10.10.2019 (Annexure P-6) whereby the application preferred by the respondent for tendering supplementary affidavit has been allowed.

Learned counsel for the petitioner contends that as the respondent had already tendered his affidavit, which was on record, he could not have been allowed to tender another affidavit after the lapse of one year.

Heard.

The respondent had filed a petition for eviction of the petitioner from the premises on the ground that he requires it for personal necessity of his wife. In the petition, it had been specifically pleaded by the respondent that the shop in dispute is required for the personal necessity of his wife for setting up of a business of artificial jewellery.

In the affidavit tendered by respondent-petitioner No.2 Paramjit Kaur, it was mentioned that the shop in question is required for setting up her business.

Affidavit was filed by respondent-petitioner No.1 wherein it was stated that “the petitioners are in need of the shop in dispute for setting up the business of artificial jewellery for deponent”. It was also stated that the deponent shall setup her own business in the shop in dispute after getting the same vacated. The error appears to be inadvertent and typographic as in the affidavit of respondent–petitioner No.1 Surinder Singh, reference to him has been made as ‘her’. In view of the error he wanted to file an additional affidavit.

It is well-settled that the rules of procedure have to be interpreted in a manner so as to advance the cause of justice and not to thwart it. The cross-examination of the respondent has not started. He had only sought permission for tendering an additional affidavit. The trial Court has allowed the respondent to tender additional affidavit, which is in the interest of justice, especially when a typographical error had occurred in the previous affidavit.

Consequently, I do not find any merit in this petition, which stands dismissed. Needless to observe that the petitioner shall be afforded adequate opportunity to crossexamine the respondent.

(ANUPINDER SINGH GREWAL)
JUDGE

27.02.2020.

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No